

REMARKS

Claims 1-14 are subject to restriction under 35 U.S.C. §121. Specifically, the Official Action avers that the following inventions are present in the claims:

Species A-drawn to a variable capacitance device wherein the thickness of the insulating film of the first varactor element is thinner than the thickness of the insulating film of the second varactor element;

Species B- drawn to a variable capacitance device wherein the dielectric constant of a material forming the insulating film of the first varactor element is higher than the dielectric constant of a material forming the insulating film of the second varactor element.

It is the Examiner's position that the inventions listed as Species A and B are distinct from each other.

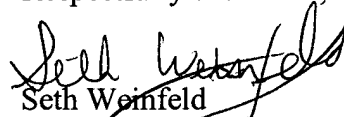
In response to the Examiner's requirement for restriction, Applicants provisionally elect to prosecute the subject matter of Species A, Claims 1-7. However, Applicants reserve the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected claims in this application.

Additionally, the Applicants respectfully submit new Claims 15-17 for examination. Independent Claim 15 is a generic claim describing common features of both species. Dependent Claim 16 is directed to subject matter corresponding to the original Claim 1 and therefore reads on the elected Species A. Dependent Claim 17 is directed to subject matter corresponding to original Claim 8 and reads on non-elected Species B.

Upon the allowance of generic Claim 15, dependent Claim 17 will be entitled to consideration as provided by 37 C.F.R. 1.141. Applicants would also like to note that Claim 9 has been amended to depend from Claim 8 instead of Claim 1.

In view of the foregoing, an examination on the merits of the elected claims at an early date is earnestly solicited.

Respectfully submitted,


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